IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18144 of 2004

Between:

National Thermal Power Corporation, Ramagundam Super Thermal Power Station, Jyothi Nagar, Karimnagar rep.by its Addl.General Manager,

A.Radhakrishna

..... PETITIONER

AND

1 Employees Provident Fund Organisation, Sub-Regional Office,

Balasamudram, Hanamkonda, Warangal, rep.by the Assistant

Provident Fund Commissioner, A.P., Warangal.

2 Enforcement Officer, Employees Provident Fund Organisation, District Office, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the demand notice issued by the first respondent No.AP/SRO.WL/ENF/KHM/19557/7A ORDER/2003/1410 dated 30-7-2004/5-8-2004 issued under Section 7Q of the Provident Fund Act of 1952 and consequential enforcement order No.AP/SRO.WL/ENF/ Exempted /19557/2004/1530 dated 12-08-2004 for implementing the orders is illegal, arbitrary, without jurisdiction and contrary to law and the provisions of the Provident Fund Act of 1952.

Counsel for the Petitioner : Ms.G.SUDHA

Counsel for the Respondents: Mr.R.N.REDDY

The Court at the stage of admission, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents and both them have agreed for disposal of the writ petition at the stage of admission.

Assailing the impugned proceedings of the first respondent dated 30.7.2004, petitioner-Corporation filed the present writ petition.

By the impugned order, the petitioner-Corporation was informed that it is due and payable an amount of Rs.8,62,97,212/- towards E.P.F. contribution in Account No.10 for the period from 16.11.1995 to .6.2004 and out of which, petitioner has remitted an amount of Rs.8,34,10,290/- and the balance amount of Rs.28,86,922/- is due and payable by the petitioner and that the respondent in exercise of the powers conferred under Section 7Q of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, will further proceed to charge simple interest @ 12% on the above dues and simple interest from 28.7.2004 to the date of actual remittance and the unpaid dues shall be charged separately on receipt of the remittance from the establishment. Questioning the same, the present writ petition is filed.

The learned counsel for petitioner submits that on account of the stay orders obtained by the third parties from Calcutta High Court, the petitioner-Corporation could not remit the amount and subsequently the same was remitted and that the petitioner is not liable to pay any interest.

Having regard to the facts and circumstances of the case, if the petitioner-Corporation disputes the correctness or otherwise of the dues mentioned in the impugned order, it is open for the petitioner to file an appeal before the appellate authority by depositing 50% of the amount due within a period of four weeks from today. On such deposit, the respondents shall not take any coercive steps against the petitioner-Corporation pursuant to the impugned order till the disposal of the appeal to be filed by the petitioner and the appellate authority without insisting on

deposit of 75% amount, shall proceed with the appeal.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

Date: 6.10.2004

Note : Issue C.C. by tomorrow.

B/o

DA

To

1 The Assistant Provident Fund Commissioner, Employees Provident

Fund Organisation, Sub-Regional Office,

Balasamudram, Hanamkonda, Warangal.

2 The Enforcement Officer, Employees Provident Fund Organisation, District Office, Karimnagar.

3 Two CD copies.